

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CARTER ANDERSON,

Plaintiff,

-v-

C.O. WAGNER, et al.,

Defendants.

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**DECISION and ORDER**  
**11-CV-0014S**

Plaintiff, Carter Anderson, proceeding *pro se*, has filed a motion for an extension of time to file an amended complaint and a suspension of the filing of an amended complaint (Docket No. 5) as directed by the Court on July 19, 2011 (Docket No. 4),<sup>1</sup> and two motions for the appointment of counsel (Docket Nos. 3 and 6). The bases for the motion for an extension of time are, *inter alia*, that the Clerk of the Court did not forward to him as directed in the Order directing him to file an amended complaint a copy of the initial complaint and a blank form and instructions for filing an amended complaint, that he would like time to consult with an attorney, that Ramadan begins on August 2, 2011, which will last 30 days, and that he is scheduled to be released in December 2011, which will allow him to seek additional legal resources.

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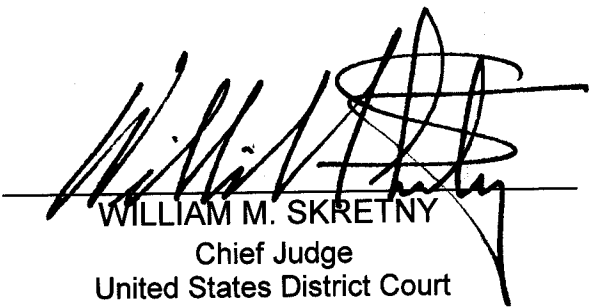
<sup>1</sup>The Court's Order granted plaintiff permission to proceed *in forma pauperis*, denied plaintiff's requests for a temporary restraining order and permanent injunction, directed the Clerk to amend the caption of this action to reflect accurately the defendants plaintiff sued or appeared to intend to sue, dismissed certain claims and defendants pled and named in the complaint with prejudice, dismissed certain claims without prejudice with leave to file an amended complaint and directed one claim against two defendant to be served by the U.S. Marshals Service if plaintiff did not file an amended complaint as directed by August 10, 2011. (Docket No. 4, Order.)

Plaintiff's motion for an extension of time to file an amended complaint as directed by the Court is granted up to and including **November 15, 2011**, but his request to suspend/stay the filing of an amended complaint is denied. An extension of over three months is sufficient for plaintiff to file an amended complaint.

Plaintiff's motions for the appointment of counsel are denied without prejudice. A more fully developed record will be necessary before the Court can determine whether plaintiff's chances of success warrant the appointment of counsel. Therefore, plaintiff's motion is denied without prejudice to its renewal at such time as the existence of a potentially meritorious claim may be demonstrated. See *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997) (when determining whether to appoint counsel, the Court must first look to the "likelihood of merit" of the underlying dispute).

SO ORDERED

Dated: 8/3, 2011  
Buffalo, New York



WILLIAM M. SKRETNY  
Chief Judge  
United States District Court